
**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

CAPANA SWISS ADVISORS AG, a Swiss corporation; AMERIMARK AUTOMOTIVE AG, a Swiss corporation,

Plaintiffs,

v.

RYMARK, INC., a Utah corporation; NICHOLAS THAYNE MARKOSIAN, an individual; JOHN KIRKLAND, an individual; and VICKY SMALL, an individual,

Defendants.

AMENDED SCHEDULING ORDER

Case No. 2:23-cv-00467-RJS-CMR

District Judge Robert J. Shelby

Magistrate Judge Cecilia M. Romero

Having considered the parties' Stipulated Motion for Amended Scheduling Order (Motion) (ECF 86) filed pursuant to Fed. R. Civ. P. 16(b) and the court's June 14, 2024 Order (ECF 84), and for good cause appearing, the court hereby GRANTS the Motion and amends the Scheduling Order (ECF 25) as follows:

****ALL TIMES 4:30 PM UNLESS
INDICATED****

1. PRELIMINARY MATTERS

DATE

- | | | |
|----|---|---|
| a. | Date the Rule 26(f)(1) conference was held? | <u>9/28/2023</u> |
| b. | Have the Plaintiffs submitted the Attorney Planning Meeting Report? | <u>10/23/2023</u> |
| c. | Deadline for 26(a)(1) initial disclosures? | <u>21 days after the date of the original Scheduling Order.</u> |

2. DISCOVERY LIMITATIONS **NUMBER**

Maximum number of depositions by each Plaintiff:	<u>20</u>
Maximum number of depositions by each Defendant:	<u>20</u>
Maximum number of hours for each deposition (unless extended by agreement of parties):	<u>7</u>
Maximum interrogatories by any party to any party:	<u>35</u>
Maximum requests for admissions by any party to any party:	<u>35</u>
Maximum requests for production by any party to any party:	<u>75</u>

g. The parties shall handle discovery of electronically stored information as follows:

Discovery shall comply with the provisions of Fed. R. Civ. P. 34. All costs of converting the format of any electronic data to another electronic format or from printed format to electronic format shall be borne by the producing party unless otherwise agreed. Productions will include electronic native files or single-page Tiff images with extracted metadata, color for color, with document level OCR and standard DAT and OPT load files with the metadata fields, below if available and/or applicable.

BegDoc	LastDateModified
EndDoc	Subject
BegAtt	Company
EndAtt	FileName
AttachRange	Email To
Attachment_ID	Email From
ParentID	Email CC
MD5Hash	Email BCC
Custodian	Email Subject
Source	ReceivedDate
Title	ReceivedTime
Author	SentDate
DateCreated	SentTime

Notwithstanding the foregoing, any party may request that the responding party provide specifically identified documents in each such document's native electronic format provided that the requesting party sets forth a reasonable basis for requesting the document in native format. Nothing herein shall limit a responding party's right to object to the production of documents on the basis that the request is overbroad, unduly burdensome, electronic documents are not readily available because of undue burden or cost, duplicative, or any other valid objection.

- h. The parties shall handle a claim of privilege or protection as trial preparation material asserted after production as follows:

The parties will adhere to the provisions contained in the Court's Standard Protective Order dealing with claims of privilege or protection.

- i. Last day to serve written discovery: 12/28/2024
j. Close of fact discovery: 1/28/2025

- 3. AMENDMENT OF PLEADINGS/ADDING PARTIES¹ DATE**
a. Last day to file Motion to Amend Pleadings: 11/28/2024
b. Last day to file Motion to Add Parties: 11/28/2024

- 4. RULE 26(a)(2) EXPERT DISCLOSURES & REPORTS DATE**

Disclosures (subject and identity of experts)

- a. Party(ies) bearing burden of proof: 2/27/2025
b. Counter disclosures: 4/4/2024

Reports

- a. Party(ies) bearing burden of proof: 5/10/2025
b. Counter reports: 6/10/2025

- 5. OTHER DEADLINES DATE**
a. Last day for expert discovery: 7/10/2025
b. Deadline for filing dispositive or potentially dispositive motions: 8/9/2025
c. Deadline for filing partial or complete motions to exclude expert testimony: 7/10/2025

¹ Counsel must still comply with the requirements of Fed. R. Civ. P. 15(a).

- | 6. | SETTLEMENT/ALTERNATIVE DISPUTE RESOLUTION | DATE |
|----|---|------------------|
| a. | Likely to request referral to a magistrate judge for settlement conference: | <u>No</u> |
| b. | Likely to request referral to court-annexed arbitration: | <u>No</u> |
| c. | Likely to request referral to court-annexed mediation: | <u>No</u> |
| d. | The parties will complete private mediation/arbitration by: | <u>2/10/2025</u> |
| e. | Evaluate case for settlement/ADR on: | <u>4/4/2025</u> |
| f. | Settlement probability: | <u>Fair</u> |

- | 7. | TRIAL AND PREPARATION FOR TRIAL | TIME | DATE |
|----|---|------|------------------|
| a. | Deadline for filing a request for a scheduling conference with the district judge for the purpose of setting a trial date if no dispositive motions are filed.: | | <u>8/15/2025</u> |
| | <p>At the time of argument on motions for summary judgment, the court will discuss the scheduling of trial. Counsel should come to the hearing prepared to discuss possible trial dates. If the schedule set forth herein is not extended, the parties can generally expect that trial will be set sometime during the 2nd quarter of 2026.</p> | | |

8. OTHER MATTERS

Parties should fully brief all Motions *in Limine* well in advance of the pretrial conference.

DATED this 21 June 2024.



Magistrate Judge Cecilia M. Romero
United States District Court for the District of Utah